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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**WILLIAM KIRKLAND  
C/o Christi Hendley  
2720 Price Ave.  
Cincinnati, Ohio 45204  
Plaintiff,**

**Case No. C-1-02-364  
Judge Weber  
Magistrate Perleman**

**V.**

**MAYOR CHARLIE LUKEN, et al.,  
Defendants,**

**PLAINTIFF'S THIRD MOTION FOR EXTENSION OF TIME  
OF ADDITIONAL DAYS  
TO FILE OBJECTIONS TO REPORT AND RECOMMENDATIONS**

Now Comes the Plaintiff, William Kirkland, pro se, respectfully submitting to this honorable Court a Third Motion for Extension of Time up to and including Monday March 8, 2004 in which to file his Objections to this honorable Court's Report and Recommendations.

**MEMORANDUM IN SUPPORT**

Plaintiff hereby submits a timely motion for an additional time up to and including Monday March 8, 2004 in which to file his objections to this Report and Recommendation. As stated in plaintiff's Second Motion For an extension of time plaintiff's objections, and research is complete. Plaintiff simply needs the additional time to finish formatting the brief in an acceptable readable form in order to highlight his "objections". With appropriate law and argument. Plaintiff has personally contacted defendant's counsel and there are no objections to the additional days. Additionally plaintiff has had

conversations with defendant's counsel regarding defendant reviewing whether defendant's did in fact, inadvertently submitted the wrong Rule of Council not in effect at the time of the allege violations.

Plaintiff needs this additional time in order to preserve his rights in the event this case goes to appeal a accordance with Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F. 2d 947 (6<sup>th</sup> Cir. 1981). Additionally plaintiff feels an evidentiary hearing may be in order in accordance with respect to defendants' in advertly submitting Rules of Council not in effect at this time of the alleged constitutional violations in this case. See S.D. Ohio L.R. Rule 7.1 (b)(1) plaintiff will fully brief these matters in his Objections to R&R.. It is significant to note this case is not simply about prohibitive conduct during speech,, but it is about free speech violations that are ongoing and continuous for this plaintiff as well as other citizens who attend Cincinnati City Council meetings with irreparable injury concerning free speech. For the foregoing reasons and the significance of this case plaintiff request this final extension until Monday March 8, th 2004. There is no prejudice to defendants.

Respectfully Submitted:

/s/

  
WILLIAM KIRKLAND

C/o Christie Hendley

2720 Price # 5

Cincinnati, Ohio 45204

513.307.5832

**Certificate of Service**

I hereby certify that a copy of the forgoing Third Motion for Extension of Time was hand delivered to Attorney of record Thomas J. Harris, Esq. Or the City

Solicitor of the city of Cincinnati at 801 Plum Street, Cincinnati, Ohio 45202 this  
3rd day of March 2004.

Respectfully Submitted:

/s/ 

WILLIAM KIRKLAND

C/o Christie Hendley

2720 Price # 5

Cincinnati, Ohio 45204

513.307.5832